



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*Department of Environmental Quality Engineering*

ANTHONY D. CORTESE Sc. D  
Commissioner

PAUL T. ANDERSON  
Regional Environmental Engineer

*Southeast Region*

*Lakeville Hospital, Lakeville, Massachusetts 02346*

*947-1231, Ext. 680-684*

**COPY**

City of New Bedford  
City Hall  
New Bedford, Massachusetts 02740

ATTENTION: Brian Lawler, Mayor

Gentlemen:

May 11, 1984

RE: NEW BEDFORD--Water Pollution  
Control, Coffin Avenue,  
CSO Discharge  
ORDER

U.S. v. AVX Original  
Litigation Document

The Department of Environmental Quality Engineering is issuing this letter relative to the referenced combined sewer overflow (CSO) located at the end of Coffin Avenue and discharging into the Acushnet River during dry weather periods in direct violation of the City's NPDES permit.

This dry weather discharge had been brought to the attention of Mr. Robert Couto (DPW Commissioner) by Department personnel in November of 1983 as the direct result of inspections being conducted at the Belleville Avenue Pumping Station and outfall. At that time, the Coffin Avenue dry weather discharge had been attributed to the grit blockage of the Holly Street interceptor. Cleaning of this interceptor had been effected during November and December of 1983, however, even after removing the grit a dry weather discharge was still occurring at the Coffin Avenue outfall.

This matter was again brought to the attention of the City (Mayor Lawler, Robert Couto, and CDM - New Bedford's consultants) in a letter dated January 11, 1984 (copy enclosed). The main purpose of this correspondence was to establish a meeting between the City and this Department in order to discuss both the Belleville and the Coffin Avenue outfall situations. The above-noted meeting (attendance list enclosed) was held on Wednesday, January 25, 1984 and the Coffin Avenue overflow was discussed. In addition, James Rogers (Maintenance Foreman) submitted a report at this meeting which indicated that the Coffin Avenue problem had been identified at least as early as July of 1983 by City employees.

During this same meeting, Mr. Couto submitted a letter dated January 25, 1984 (copy enclosed) in which he stated that the Coffin Avenue overflow only came to his attention in early January as the direct result of the submission of a draft CSO report filed by your City's consultants. This is totally erroneous.

This office is in receipt of correspondence from Camp Dresser & McKee, Inc., dated February 8, 1981 (a copy of which is enclosed) in regard to the Coffin Avenue overflow situation. The above noted letter vaguely delineated a potential course of action to deal with this particular CSO problem.

The Department has not received any type of follow up communication in regard to effecting a solution to the problems at the Coffin Avenue outfall.

Based on the above and the provisions of Chapter 21 Section 42-44 inclusive and Chapter 83, Section 7, the Department hereby ORDERS the following:

1. The City and/or its consultant shall conduct an indepth field survey of the area as superficially outlined in Item #1 of CDM's February 8, 1984 letter.
2. The field survey, collection and analysis of pertinent data, compilation, and the final submission of a survey report to the Department's Southeast Regional Office shall be accomplished within thrity (30) days of your receipt of this letter. This submission shall include, but not be limited to, the following:
  - a) identification of all the tie-ins downstream of the Coffin Avenue Pumping Station.
  - b) a list of all illegal connections and a differentiation between industrial and sanitary sources.
  - c) determine flow contributions of each connection.
  - d) sample and analyze (or require industry to) each contributory waste stream.
  - e) identify and locate any source in the Coffin Avenue area which may be discharging directly to the Acushnet River in the vicinity of the referenced CSO.
3. In addition to the above, a summary of the industries discharging to this CSO, their addresses, telephone numbers, and the name(s) of a contact person(s) for each facility shall be included.
4. A definitive proposal delineating the City's intended actions to deal with the problem and a realistic timetable for implementation shall also be included in the submittal required above.

Please be advised that in addition to the City's responsibilities relative to the Coffin Avenue CSO, the individual industries which may be discharging through the Coffin Avenue CSO (or through any other direct outfall) are also subject to the provisions of Chapter 21, Sections 42 through 44 inclusive and all applicable rules and regulations as promulgated.

Upon receipt of the above required summary and corrective action plan, the Southeast Regional Office will initiate all appropriate permit proceedings (or enforcement if necessary) for dealing with illegal industrial and sanitary connections whose problems are above and beyond the capability of the City and scope of its responsibility.

During the above noted January 25, 1984 meeting, the names of three (3) industries (allegedly illegally connected) were submitted by City representatives to the Department. These industries are as follows:

1. Revere Sink
2. Star Plating
3. American Press Company

These companies will be notified by copy of this letter as to the current status of the outfall and associated matters.

Please be aware that all industries should, through the City, apply for sewer connection permits as issued by the Department and at that time may be required to treat their waste streams as necessary in order to insure compliance with either a Sewer Use Ordinance or the requirements of an NPDES permit, if appropriate.

Please be aware that failure to effect the requirements of the ORDER and implement those actions deemed necessary to rectify the situation, will leave this office absolutely no recourse other than to refer this case of the Massachusetts Department of the Attorney General for further enforcement.

Also, please be advised that you are hereby notified of your rights to a formal hearing pursuant to the provisions of the Massachusetts General Laws, Chapter 30A, Section 10. This request must be made within ten (10) days of the date of issuance of this ORDER and shall be addressed to Paul T. Anderson, P.E., Regional Environmental Engineer, Southeast Region, Lakeville Hospital, Lakeville, Massachusetts 02346.

Very truly yours,

For the Commissioner

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Robert P. Fagan  
Deputy Regional Environmental Engineer

F/TJK/re

CERTIFIED MAIL #P33 1375624  
RETURN RECEIPT REQUESTED

cc: Robert Couto, Commissioner DPW  
City Hall  
New Bedford, MA 02740

Camp Dresser & McKee, Inc.  
One Center Plaza  
Boston, MA 02108  
ATT: William F. Callahan, Sr. V.P.  
Robert Cutone, Assoc.

Willard Pope, General Counsel

cc: Thomas C. McMahon

William Gaughan

Glen Gilmore

Paul Taurasi

Brian Jeans

Industrial Waste Section

ATT: Han Borne

Peter Dore

Brian Pitt (enclosure)

U.S. EPA - Permit Compliance Section

John F. Kennedy Federal Bldg

Boston, MA 02203

Dept of the Attorney General (enclosure)

Div. of Environmental Protection

1 Ashburton Place

Boston, MA 02108

ATT: Stephen Leonard

Star Plating Co.

41 Coffin Avenue

New Bedford, MA 02740

Revere Sink Corp.

Coffin Avenue

New Bedford, MA 02740

American Press Inc.

1 Coffin Avenue

New Bedford, MA 02740

Rep. Joseph McIntyre (enclosure)

State House

Boston, MA 02133

John McNabb

c/o Commissioner's Office

1 Winter St.

Boston, MA